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JUN 14 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE OFFICE OF PETITIONS

In re Application of: William Sonnier et al.

Attorney Docket No. 503472.000009

Serial No.: 10/060,022

Filing Date: January 28, 2002

Group Art Unit: 1616

Examiner Name: Badio

Title: ***PROCESS OF EXTRACTING AND PURIFYING PHYTOSTEROLS
AND PHYTOSTANOLS FROM TALL OIL PITCH***

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JUN 05 2007

TECH CENTER 1600/2900

TRANSMITTAL LETTER

OFFICE OF PETITIONS
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

05/30/2007 MGE BREM1 00000059 10060022

01 FC:1453
02 FC:18141500.00 OP
130.00 OP

Dear Sir:

Please be advised that we have been assigned Attorney of Record for the above-referenced U. S. Patent Application. Applicants respectfully request that this application be reinstated and that the application be allowed to move forward to grant.

The above-referenced U. S. Patent application was abandoned on March 24, 2004 due to failure to file a response to an office action. The first Office Action was issued by Examiner Badio and dated March 21, 2003 for which a response was filed on September 19, 2003 as evidenced by the certificate of mailing signed by Ms. Susan M. Ben-Oliel, attorney of record at that time. The response to said office action deleted Claim 20 without prejudice, which was the only claim that Examiner Badio rejected. Ms. Ben-Oliel expected to receive a Notice of Allowance but instead received no further correspondence from the USPTO.

01 FC:1453
02 FC:1814

Subsequently, a Notice of Abandonment was received and on September 15, 2004, a Petition to Revive was filed along with the required fees, a Reply to the Office Action, a 3-month extension of time, a Terminal Disclaimer with statutory fee, and a Statement that the entire delay in filing this reply from the due date required until the filing of this grantable petition was unintentional. This is evidenced again by the certificate of mailing executed by Ms. Ben-Oliel.

On May 24, 2007, our Paralegal Ms. Yanela O. Carpenter called the Petitions Office and spoke with Mr. William Dixon. We were kindly advised by Mr. Dixon that none of the above documents were received, entered or acknowledged by the USPTO and that was the reason this application was abandoned. He also advised Ms. Carpenter that there is record on PALM of telephone calls and interviews between the Examiner and the previous attorney of record.


Per Mr. Dixon's suggestion, we are enclosing copies of all these documents originally submitted to the USPTO on September 15, 2004 along with two checks – first check in the amount of \$1,500.00 for the Petition Fee and second check in the amount of \$130.00 for the Statutory Fee for the Terminal Disclaimer.

For the reasons stated above, Applicant respectfully requests that the above-referenced U. S. Patent Application No. 10/060,022 be reinstated and Applicant respectfully requests the issuance of the Notice of Allowance.

The Commissioner is hereby authorized to charge any deficiencies related to these fees or credit any over payment to Deposit Account No. 20-0821 of THOMPSON & KNIGHT LLP.

Should additional information be required, please do not hesitate to call me.

Respectfully submitted,



James J. Murphy
Reg. No. 34,503
THOMPSON & KNIGHT LLP
1700 Pacific, Suite 3300
ATTORNEY FOR APPLICANT

Date: May 25, 07



COPY

IN THE UNITED STATES PATENT OFFICE

In Re Application of William E Sonnier

Application No.: 10/060,022

Filing Date: 01/28/2002

Examiner Badio

Art Unit: 1616

Date: September 19, 2003

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OFFICE OF PETITIONS

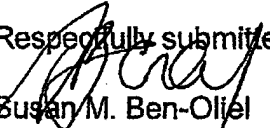
Transmittal Letter

To: MAIL STOP NON-FEE AMENDMENT, COMMISSIONER FOR PATENTS,
PO BOX 1450, ALEXANDRIA VA, 22313-1450.

Enclosed for filing in connection with the patent application noted above are:


- X Response to Office Action
- X Petition for Three Months Extension of Time
- X Cheque in the amount of \$465 (US Dollars, payable to Commissioner of Patents and Trademarks)

Respectfully submitted,


Susan M. Ben-Oliel
Reg No. 33,641

Certificate of Mailing Under 37CFR 1.8

I hereby certify that this paper and documents referred as being attached hereto or enclosed herewith are being deposited with the United States Postal Service on September 19, 2003 as first class mail in an envelope addressed to MAIL STOP NON-FEE AMENDMENT, COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA VA, 22313-1450.


Susan M. Ben-Oliel (Reg No. 33,641)

Attorney of Record Phone 604-254-5530/Fax 604-687-5912



IN THE UNITED STATES PATENT OFFICE

COPY

Commissioner of Patents
PO BOX 1450
Alexandria, VA 22313-1450

In Re application of Sonnier.
Application No.: 10/060,022
Filing date: 01/28/02

Art Unit: 1616
Date: July 20, 2005

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JUN 14 2007

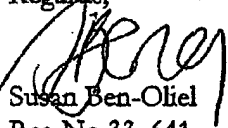
OFFICE OF PETITIONS

Letter Requesting Status Inquiry

As agent of record on this application, I had my office assistant make repeated calls to the US Patent Office over the past several months to determine the status of our Petition under 37 CFR 1.137(b).

I ask that we receive a confirmation by facsimile or mail indicating that the Petition was received in good order. Please make note of new correspondence address and facsimile number below.

Regards,


Susan Ben-Oliel
Reg No 33, 641

130-The Station
601 West Cordova Street,
Vancouver, BC Canada V6B 1G1
Phone 604-254-5530 Fax 604-266-6315



IN THE UNITED STATES PATENT OFFICE

COPY

Commissioner of Patents
PO BOX 1450
Alexandria, VA 22313-1450

In Re application of Sonnier.
Application No.: 10/060,022
Filing date: 01/28/02

Art Unit: 1616
Date: February 15, 2005

RECEIVED

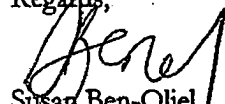
JUN 14 2007

OFFICE OF PETITIONS

Letter Requesting Status Inquiry

As agent of record on this application, I had my office assistant call the US Patent Office yesterday to determine the status of our Petition under 37 CFR 1.137(b). As we had not had a return call to her message, I kindly ask that we receive a reply by facsimile or mail.

Regards,


Susan Ben-Oliel
Reg No 33, 641

2983 West 41st Avenue
Vancouver, BC Canada V6N 3N1
Phone 604-254-5530



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/060,022	RECEIVED JUN 14 2007 OFFICE OF PETITIONS
	Filing Date	January 28, 2002	
	First Named Inventor	William Sonnier et al.	
	Art Unit	1616	
	Examiner Name	Badio	
Total Number of Pages in This Submission	Attorney Docket Number	503472.000009	

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input checked="" type="checkbox"/> Terminal Disclaimer (Copy)	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks Enclosing copies of documents previously filed on September 15, 2004: copy of Petition to Revive, copy of Terminal Disclaimer, copy of Statement that the entire delay was unintentional, copy of Response to Office Action, copy of Terminal Disclaimer (including mailing certificates) and two checks for payment of petition fee \$1,500.00 and statutory fee \$130.00.	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application		
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	THOMPSON & KNIGHT LLP		
Signature			
Printed name	James J. Murphy		
Date	May 25, 07	Reg. No.	34,503

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Yanela O. Carpenter	Date	May 25, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

0-1 P E IAP74
MAY 29 2007
PATENT & TRADEMARK OFFICE

PTO/SB/17 (01-06)

Approved through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL For FY 2006

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,630.00

Complete if Known

Application Number 10/060,022
Filing Date January 28, 2002
First Named Inventor William Sonnier, et al.
Examiner Name Badio
Art Unit 1616
Attorney Docket No. 503472.000009

RECEIVED

JUN 14 2007

OFFICE OF PETITIONS

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 20-0821 Deposit Account Name: Thompson & Knight LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims Extra Claims Fee (\$) Fee Paid (\$) Multiple Dependent Claims Fee (\$) Fee Paid (\$)

- 20 or HP = x =

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)

- 3 or HP = x =

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)

- 100 = / 50 = (round up to a whole number) x =

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Other (e.g., late filing surcharge): Petition to Revoke (1,500.00) & Terminal Disclaimer (\$130.00) 1,630.00

SUBMITTED BY

Signature [Signature] Registration No. 34,503 Telephone 214-969-1749
Name (Print/Type) James D. Murphy Date May 25, 07

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.